

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3645/P2dn  
MES:med:jf

January 9, 2012

Representative Vos:

As I discussed with Janine Hale, I did not make the requested change on page one, line 8 of the /P1 version such that the line would read "A fee that is imposed by a political subdivision on **existing** residential dwelling units. . ." because it is unclear to me what is intended. Does "existing" refer to a dwelling unit that exists on the effective date of the bill, but not to units that may be built in the future? If not, it's unclear what is meant by adding the term "existing" here.

If your intent is for created s. 66.0628 (4) to apply existing dwelling units as well as units that will be built in the future, you may not want to add "existing" here as it may be construed as limiting the statute only to units that exist right now. Obviously, the statute can't impose a fee on units that don't yet exist. My concern is that adding "existing" to page one, line 8 of the /P1 version is confusing and if the statute's applicability to new units is challenged some years after the bill takes effect, a court could rule that the statute does not apply to dwelling units built after the bill's effective date.

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